

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-cr-171-MOC-DCK

UNITED STATES OF AMERICA,)
Petitioner,)
Vs.) ORDER
SHAMERON WADDELL HALLMAN,)
Respondent.)

This matter is before the Court on the parties' joint motion for agreed upon sentence of 130 months with credit for time in state custody. (Doc. No. 23).

On June 30, 2020, this Court granted Defendant's motion to vacate, set aside, or correct sentence, under 28 U.S.C. § 2255, vacated his 18 U.S.C. § 924(c) conviction, and ordered that Defendant be resentenced on the remaining count at the Court's earliest convenience. (Doc. No. 22). The parties assert that, given that Defendant's Section 924(c) conviction has been vacated, Defendant was eligible to a sentence of time-served as of July 17, 2020. The parties further assert that if the Court sentences Defendant to time-served and releases him now, Defendant will arrange to live with his grandmother upon release. The parties further note that defense counsel has confirmed with Defendant's grandmother that Defendant will live with her after his release and that he will have strong family support upon release. In light of these circumstances, the Court finds that a sentence of 130 months with credit for time in state custody is appropriate under the sentencing factors in 18 U.S.C. § 3553(a). This Court also finds that entering an amended judgment without a hearing will facilitate Mr. Hallman's timely release. Furthermore, Defendant asserts that he is waiving any rights he may have to request a resentencing hearing.

In sum, the Court finds that Defendant is hereby resentenced to time-served.

IT IS, THEREFORE, ORDERED that:

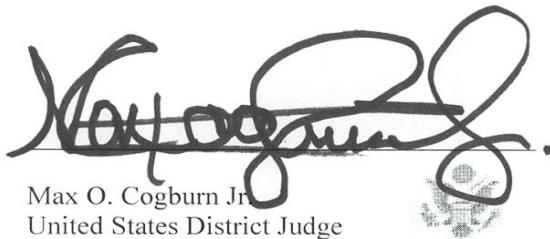
(1) The parties' Joint Motion to Modify Sentence to Time Served and Immediate Release (Doc. No. 23) is **GRANTED**;

(2) Defendant is **ORDERED RELEASED** from the custody of the United States Bureau of Prisons and/or the custody of the U.S. Marshals Service. To allow the Bureau of Prisons/United States Marshal/Pretrial Services adequate time, such are allowed up to ten days to comply with this Order.

(3) The Clerk shall enter an amended judgment in accordance with this Order.

The Clerk of Court shall certify copies of this Order to the U.S. Bureau of Prisons, U.S. Marshals Service, and the U.S. Probation and Pretrial Services Office.

Signed: August 4, 2020



Max O. Cogburn Jr.
United States District Judge